



257-15

**Staff Summary-** All legislative submissions other than procurements

<b>Subject</b> Release of Surety Bond & Escrow <b>NCPC File #</b> 1969 <b>Map of</b> Parkview at Salisbury
<b>Department</b> <b>Department of Public Works, Division of Planning</b>
<b>Department Head Name</b> <b>Satish C. Sood</b>
<b>Department Head Signature</b> (signed)
<b>Date</b> 5/13/15

Internal Approvals			
Date & Init.	Approval	Date & Init.	Approval
6/18/15	County Executive or Deputy	6/18/15	Director of Legislative Affairs
	Budget	6/18/15	Counsel to County Executive

**PURPOSE:**

To release Surety Bond and Cash Escrow deposit for the subdivision plat known as the map of "The Map of Parkview at Salisbury, Westbury

**DISCUSSION:** The Applicant, James Calabrese, is requesting the release of the Surety Bond (\$391,650.98) and Escrow deposit (\$14,174.77) for a 30-unit residential townhouse development located on the east side of Carman Ave., 400 feet north of Hearth La. in unincorporated Westbury.

The Planning Commission approved the Preliminary Map on Oct. 13, 2011.

The Planning Commission approved the Final Map on June 21, 2012.

On June 21, 2014, the original Final Map Approval expired. On August 4, 2014 submitted a new application for Final Map approval which the Planning Commission granted on August 21, 2014.

On April 7, 2015, a final inspection of all bonded public improvements was made by the Nassau County Department of Public Works Chief Inspector. Said inspector certified that all required public improvements were constructed in such a manner that met or exceeded applicable codes, specifications and standards. At its hearing on 5/7/15, the Planning Commission recommended release of the Surety Bond in the amount of \$391,650.98 and cash escrow in the amount of \$14,174.77.

**IMPACT ON FUNDING:** None

**RECOMMENDATION:** Approve as submitted

2015 JUN 19 A 10:56

RECEIVED  
NASSAU COUNTY  
CLERK OF THE LEGISLATURE

RESOLUTION NO. - 2015

A RESOLUTION RELEASING SURETY BOND AND CASH  
ESCROW DEPOSITS FOR MAP OF "PARKVIEW AT SALISBURY"  
LOCATED IN WESTBURY.

APPROVED AS TO FORM

Deputy County Attorney

RECEIVED  
NASSAU COUNTY  
CLERK OF SUPERIOR COURT  
2015 JUN 19 A 10:56

WHEREAS, the Nassau County Planning Commission, by resolution, has approved the map "Parkview at Salisbury" location upon the filing of surety bonds and cash escrow deposits, conditioned upon the completion of the public improvements on land included in said map;

WHEREAS, the dates of such resolution, the names of such map, the names to the principal and the amounts of the cash security and cash escrow deposits have been duly filed in the office of the Nassau County Planning Commission;

WHEREAS, the Nassau County Planning Commission, by resolution, has certified to the Legislature that the public improvements so required by the Nassau County Planning Commission have been completed to its satisfaction and has indicated that the Principal should now be released from their obligation thereunder and that the cash security and cash escrow deposit, plus interest and less administrative costs, if any, be released to said Principal; now therefore be it

RESOLVED, that the Nassau County Legislature does hereby consent to the release to the Principal on the following cash securities from any liability thereunder, and further consents to the release of the following escrow deposits:

<u>Date of Resolution</u>	<u>Plat/location</u>	<u>Principal</u>	<u>Amount of Surety Bond</u>	<u>Cash Escrow Deposit</u>
5/7/2015	Map of "Parkview at Salisbury": Westbury	James Calabrese	\$391,650.98	\$14,174.77

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**EDWARD P. MANGANO**  
County Executive



**CARNELL T. FOSKEY**  
County Attorney

## **County of Nassau Inter-Departmental Memo**

**To:** Clerk of the County Legislature  
**From:** County Attorney  
**Date:** June 12, 2015  
**Subject:** RESOLUTION ORIG. DEPT—DPW DIVISION OF PLANNING

A RESOLUTION to authorize the release of the Surety Bond and Escrow Deposit covering improvements on the Map of "Parkview at Salisbury", situated in Westbury, Town of Hempstead, County of Nassau, New York.

The above-described document attached hereto is forwarded for your review and approval and subsequent transmittal to the County Legislature for inclusion upon their calendar.

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CARNELL T. FOSKEY  
County Attorney

A handwritten signature in black ink, appearing to read "Samantha Goetz", written over a horizontal line.

By: Samantha A. Goetz  
Deputy County Attorney  
*Appeals and Opinions Bureau*

Attachments

EDWARD P. MANGANO  
County Executive



COUNTY OF NASSAU  
OFFICE OF THE NASSAU COUNTY EXECUTIVE  
1550 Franklin Avenue  
Mineola, New York 11501

**RECOMMENDATION OF COUNTY EXECUTIVE**  
**AT REGULAR MEETING OF COUNTY LEGISLATURE**

June 12, 2015

COUNTY LEGISLATURE  
NASSAU COUNTY  
THEODORE ROOSEVELT EXECUTIVE & LEGISLATIVE BUILDING  
1550 FRANKLIN AVENUE  
MINEOLA, NEW YORK

HONORABLE MEMBERS:

The Nassau County Planning Commission has certified that the public improvements on the Map of the "Parkview at Salisbury" have been completed to its satisfaction. The Commission has also indicated that Aegis Security Insurance Company, Inc. should now be released from further obligation and the surety bond and cash escrow deposit should be released to James Calabrese.

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Therefore, pursuant to Section 307 of the County Government Law of Nassau County, I recommend that a resolution be adopted by the County Legislature releasing the Surety Bond and Escrow Deposit covering such improvements.

Very Truly Yours,

EDWARD P. MANGANO  
County Executive  
Nassau County

Edward P. Mangano  
*County Executive*

Shila Shah-Gavnaudias  
Commissioner

Satish Sood  
*Deputy Commissioner*



Jeffrey Greenfield  
*Chair*

Leonard Shapiro  
*Vice-Chair*  
Jeffrey Bass  
James Bianco  
Robert Ellerbe  
Neal Lewis  
Donna Martini  
Mary A. McCaffery  
Leonard Shapiro

Nassau County Department of Public Works  
Planning Commission

1194 Prospect Ave.  
Westbury, L.I., New York 11590-2923  
571-9600  
[www.nassaucountyny.gov](http://www.nassaucountyny.gov)

May 11, 2015

William Cohn  
Forchelli Curto Deegan Schwartz Mineo & Terrana  
333 Earle Ovington Blvd. # 1010  
Uniondale, NY 11553

**Re: Bond Release NCPC File No. 1969 (Map of Parkview at Salisbury, Town of Hempstead)**

Dear Mr. Cohn :

On May 7, 2015, the Nassau County Planning Commission granted an application to approve the release of Surety Bond and Cash Escrow for the above-referenced subdivision. A copy of the Planning Commission Resolution is enclosed. This action will be placed on an upcoming Legislative calendar.

Should you have any questions, I can be reached at (516) 571-6823.

Sincerely,

Martin Katz

Nassau County DPW, Division of Planning

**RESOLUTION – NCPC FILE NO. 1969  
RECOMMEND TO THE COUNTY LEGISLATURE THE  
RELEASE OF SURETY BOND AND ESCROW**

**WHEREAS**, James M. Calabrese (the “Applicant”) submitted to the NASSAU COUNTY PLANNING COMMISSION (the “COMMISSION”) a request for a release of the Surety Bond and escrow deposit covering public improvements included on the approved subdivision map known as the MAP OF PARKVIEW AT SALISBURY (the “Map”), Westbury, Town of Hempstead, Nassau County, New York, approved by the COMMISSION by resolution originally adopted on June 21, 2012; and

**WHEREAS**, the public improvements were secured by the Aegis Security Insurance Company, Inc. by way of a Surety Bond (Bond # B10021150), in the amount of \$391,650.98 and cash escrow deposit held by Nassau County, in the amount of \$14,174.77; and

**WHEREAS**, on October 13, 2011, the Map received Preliminary Subdivision Approval from the COMMISSION; and

**WHEREAS**, on June 21, 2012, the Map received Final Subdivision Approval from the COMMISSION; and

**WHEREAS**, on June 21, 2014, the original Final Subdivision Approval expired; and

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**WHEREAS**, on August 4, 2014, the Applicant submitted a new application for Final Subdivision; and

**WHEREAS**, on August 21, 2014, the COMMISSION approved the Final Subdivision; and

**WHEREAS**, on April 7, 2015, a final inspection of all public improvements was made by the Nassau County Department of Public Works Chief Inspector. Said inspector certified that all required public improvements were constructed in such a manner that met or exceeded applicable County codes, specifications and standards; and

**WHEREAS**, on April 10, 2015, the Applicant made application to the COMMISSION for release of Surety Bond and Escrow Deposit; and

**WHEREAS**, on May 7, 2015, the COMMISSION conducted a duly noticed public hearing on the proposed release of surety bond and escrow; and

**WHEREAS**, at said hearing, the COMMISSION gave full consideration of the application, testimony presented at the public hearing, and the inspection certification; now, therefore, be it

**RESOLVED**, that the COMMISSION hereby recommends to the COUNTY EXECUTIVE and the COUNTY LEGISLATURE that the Principal and Surety on said bond be released from further liability thereunder; and be it further

**RESOLVED**, that the COMMISSION hereby recommends to the COUNTY EXECUTIVE that the aforementioned escrow deposit, plus interest, and less administrative costs, if any, be released to the Applicant.

Upon a roll call, the vote was as follows:

Jeffrey Greenfield, Chair –	aye
Leonard Shapiro, Vice Chair –	aye
Jeffrey Bass-	aye
James Bianco -	aye
Ronald Ellerbe –	aye
Neil Lewis –	aye
Donna Martini –	aye
Mary McCaffrey-	excused

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The Chair declared the resolution duly adopted.  
Resolution of the Nassau County Planning Commission  
Adopted: May 7, 2015



STATE OF NEW YORK )

) SS:

COUNTY OF NASSAU )

I, Satish Sood, Deputy Commissioner of the Nassau County Planning Commission, do hereby certify, that I have compared the preceding with the original resolution passed by the Planning Commission of Nassau County, New York

On May 7, 2015

On file in my office and recorded in the record of proceedings of the Planning Commission of the county of Nassau and do hereby certify the same to be a correct transcript therefrom and of the whole said original.

I further certify that the resolution herein above mentioned was passed by the concurring affirmative vote of the Planning Commission of the County of Nassau.

IN WITNESS WHEREOF, I have hereunto set  
my hand, this 12<sup>th</sup> day of May, in  
the year two thousand and fifteen



Satish Sood, Deputy Commissioner

DEPARTMENT OF PUBLIC WORKS, DIVISION OF PLANNING